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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

Entitlement to Station Allowances at With-Dependent Ra

FILE: B-196603

DATE: February 18, 1981

MATTER OF: Station allowances

DIGEST: Member of the uniformed services, a resident of the Hawaiian Islands, who enters on active duty and is assigned to the Island of Oahu, but whose dependent wife remains on the Island of Maui, is entitled to station allowances at the with dependent rate.

The question in this case is whether a member of the uniformed services, a resident of the State of Hawaii, who enters on active duty there and is assigned to duty on the Island of Oahu, but whose dependent wife remains on the Island of Maui, is entitled to station allowances at the with dependent rate.

This question was presented hypothetically in connection with our decision B-196603, September 4, 1980, involving the entitlement of an Army member to station allowances and the rates payable during his assignment in Hawaii. In that decision we concluded that the member, a resident of Hawaii, who was called to active duty and assigned to duty on Oahu, but whose dependent wife remained on the Island of Maui, was not entitled to station allowances at the with dependent rate on account of his dependent who remained on Maui. The Department of Defense has asked us to reconsider that conclusion and after further consideration we have determined that that conclusion was incorrect.

We predicated the conclusion in the September 4, 1980 decision on the ground that the dependent's presence in the vicinity of the duty station was not related to the member's assignment. However, reliance on that rule was not correct since the member who was stationed in Hawaii was called to extended active duty when a resident of Hawaii. In such circumstances the cost-of-living allowance at the with dependent rate may be paid if the member's dependents live in the vicinity of the duty station. This rule is stated in 1 Joint Travel Regulations (1 JTR) M4300-1, item 1. Also the sentence of that paragraph following item 3 substantiates the entitlement of members to payment at the with dependent rate when their dependents live in Hawaii while the member is stationed there.

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The question presented in the original submission should have been answered in terms of whether one island in the State of Hawaii is considered to be "in the vicinity of" the other islands of that State. The answer, in keeping with the decision of September 4, 1980, regarding members who are transferred between islands in Hawaii, is that the cost-of-living allowance is payable at the with dependent rate.

Accordingly, this decision should be considered as overruling the conclusion arrived at in response to the last question presented in B-196603, September 4, 1980. The correct answer is that the member is entitled to the station allowances at the with dependent rate in circumstances described.

Acting

Milton J. Aosta

Comptroller General
of the United States